

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

August 4, 2008

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No. 08-50124  
Summary Calendar

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Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

FERNANDO AVILA-PALACIOS

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 3:07-CR-2364-3

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Before SMITH, DeMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Fernando Avila-Palacios (Avila) appeals the 188-month sentence imposed following his guilty-plea convictions for two counts of conspiracy, possession with intent to distribute, and importation of more than 50 kilograms of marijuana. Avila argues that his sentence was unreasonable because it exceeded the length of time necessary to achieve the sentencing goals of 18 U.S.C. § 3553(a).

Avila has not shown that the sentence imposed by the district court was unreasonable. His 188-month sentence was within the applicable guidelines

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

range and is entitled to a presumption of reasonableness. See *Gall v. United States*, 128 S. Ct. 586, 597 (2007); *United States v. Alonzo*, 435 F.3d 551, 554 (5th Cir. 2006). The record reflects that the district court considered all of the factors Avila presented in his argument, but it exercised its discretion to impose a sentence at the bottom of the guideline range rather than depart downward. The sentence imposed was reasonable. See *United States v. Mares*, 402 F.3d 511, 520 (5th Cir. 2005).

AFFIRMED.